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International Court of Justice

H4937 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date: 20 S. 48

I certify that Document Number 823 - PS was introduced into evidence as Exhibit Number RF - 1448 in the Trial by the International Tribunal of Hermann GOERING, et al., which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

FRED NIEBERGALL
Chief, Document Control Branch

DCB-36 (102447)

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C E R T I F I C A T E

I hereby certify that the annexed document 823-PS No. RF-1448 is a photostat of an original document submitted in evidence by the ~~United States~~ French Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Nürnberg, 20. 8. 46

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

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Le document 823 P.S. a été déposé le 30 Janvier 1945

par le Ministère Public français sous le

nº R.F. 359

TRIBUNAL MILITAIRE INTERNATIONAL des GRANDS CRIMINELS de GUERRE
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TRIBUNAL MILITAIRE INTERNATIONAL
DES GRANDS CRIMINELS DE GUERRE

Délégation française au
Ministère Public

N° RF 359

Document 823-PS

Rapport de l'Etat-Major
d'opérations de l'O.K.W.
du 3 septembre 1943

INTERNATIONAL MILITARY TRIBUNAL
NUREMBERG, GERMANY
RF Exhibit 1448
Filed 2/7/46

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823 PS

Quartier général du Führer, le 3/9/1943.

WFSt/Ru (Verw.

N°03904/43 geh.

SECRET

Objet : Etablissement de nouveaux camps de prisonniers pour aviateurs anglais et américains.

Note d'exposé pour le Chef de l'Etat-Major Général de la Wehrmacht.

I°) Le Commandement Supérieur de la Luftwaffe projette la création d'autres camps pour aviateurs prisonniers, car le nombre de ceux-ci atteint plus de I.000 par mois et l'espace prévu actuellement devient insuffisant. Le Commandant Supérieur de la Luftwaffe propose d'établir ces camps à l'intérieur des quartiers d'habitation des villes, ce qui constituerait en même temps une protection pour les populations des villes, et de transférer les camps existant à l'heure actuelle, comprenant environ 8.000 aviateurs anglais et américains prisonniers dans des grandes villes menacées par l'aviation ennemie. Le Commandement Supérieur de la Lutwaffe suppose que les villes suivant l'exemple de la ville de Francfort, soutiendront par tous les moyens l'établissement de ces camps.

2°) Le Commandement Supérieur de la Wehrmacht, chef des prisonniers de guerre, a approuvé en principe ce projet. Celà ne saurait constituer une infraction aux conventions internationales, en particulier à la Convention de Genève de I929, si le camp n'est pas établi à proximité d'usine d'armements ou d'installations militaires.

Il faudra cependant tenir compte des effets que celà pour avoir au point de vue de la politique intérieure =

a- Lors du choix des emplacements dans les villes (attitude de la population)

b- Lors de représailles éventuelles des puisances ennemies, qui par leur nombre ne peuvent pas tout d'abord être d'un poids important.

3°) W R déclare que ce projet d'établissement de camps ne présente aucune objection.

4°) Ag.Etranger déconseille l'exécution de ce projet car cette mesure pourrait être considérée comme mesure de représaille, ce qui amènerait toutes les villes à exiger de la Wehrmacht la création de pareils camps. D'autre part Ag.Etranger croit également que, par exemple, le déplacement des camps se trouvant à proximité d'industries vers des quartiers exclusivement résidentiels, pourrait donner l'impression qu'une plus grande sécurité, au point de vue des dangers de guerre, a été accordée aux prisonniers

5°) Avis WFST/Ru:

L'établissement de camps de prisonniers de guerre au milieu de quartiers d'habitation ne présente du point de vue du droit international, aucune objection, et celà encore bien

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moins si l'on se contente de créer de nouveaux camps et si l'on ne déplace que ceux qui se trouvent actuellement à proximité d'installations militaires ou d'usines d'armements. Par contre la surveillance de prisonniers et leur isolement de la population, surtout lors d'attaques aériennes, présenteraient de grosses difficultés.

Au cas où les réserves d'ordre politique formulées par le Chef des Prisonniers de guerre, ne seraient pas maintenues, l'on proposerait d'accepter le projet du Commandant de la Luftwaffe en le limitant à la création de nouveaux camps et au déplacement de ceux se trouvant à présent à proximité d'industries.

En même temps il faut proposer au Commandement de la Luftwaffe de ne pas faire connaître officiellement le déplacement des camps, par la voie de la presse, de la radio, etc, mais de prendre les mesures nécessaires, afin que, chaque fois, lors de la destruction d'un camp par une attaque aérienne, le fait soit signalé dans le communiqué de la Wehrmacht avec indication du nombre de morts.

Si ce projet ne devait pas être accepté, il faudrait considérer la possibilité de justifier le transfert des camps par le souci de mettre les prisonniers de guerre à l'abri des attaques aériennes, en les parquant dans des quartiers uniquement résidentiels où se trouverait aucun établissement industriel.

signé : illisible

PH /YL

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1448

OFFICE OF U.S. CHIEF OF COUNSEL
FOR THE PROSECUTION OF AXIS CRIMINALITY

Doc No. 823 PS Date 10 October 1945

STAFF EVIDENCE ANALYSIS

DESCRIPTION OF ATTACHED DOCUMENT (Under following headings).

Title and Nature: Notes for Jodl's oral report to Keitel on the establishment of PW Camps for Air Force Personnel in Cities.

Date: 3 Sep 1943 Original (x) Copy ( ) Language: German

LOCATION OF ORIGINAL (also WITNESS if applicable) as of 10 Oct 45:

OCC Files Nurnberg.

SOURCE OF ORIGINAL: OKW Files, Flensburg

PERSONS IMPLICATED: KEITEL, Wilhelm; JODL, Alfred; GOERING, Hermann

REFERENCES TO INDEX HEADINGS (Key to Par. nos. of summary below):

WEHRMACHT: OKW: Airforce: OKL - - GENEVA CONVENTION, BREACH OF

NECESSARY PROCESSING TO PUT IN EVIDENTIARY FORM; LEADS: Documents 824 PS and 820 PS

SUMMARY OF RELEVANT POINTS (with page references):

1. Goering intends to establish new PW Camps for Airforce Personne in residential districts of cities with the additional purpose of protecting the city's population. He wants to transfer all other US-British airforce PW personnel to such camps. (See Doc. 820 PS)

2. OKW/Chief of PW's has agreed with the plan. It would not constitute a breach of International Agreements, since the Geneva Convention would forbid only establishment of camps in the vicinity of armament factories or military installations. Politically there might be undesirable consequences (Reaction of Civilian Population, Reprisals by Allies). (Par. 2)

3. OKW/Legal Section (WR) approves (Par. 3)

4. AG Ausland is against such measures which might be interpreted as reprisals.

5. Jodl's own position (Par. 5). There are no conflicts with international law if the measure is restricted to establishment of new camps. Guards and separation from the population

might make difficulties, especially in air raid attacks. If the political objections raised by the Chief of PW's can be overruled it is proposed to approve the intention of Goering's with the restriction to new camps.

6. (a) The only publicity would be a detailed announcement in the official communique if such a camp is hit in an air-raid.

(b) In case his latter proposal is not accepted the measure should be publicized as taken for the special protection of the PW's. (dated 7 Sept 43).

7. Keitel's notes: Initialled general approval for paragraph 1.) (See above 1 and 2 Question mark for Par. 4. (See 4 above). Agreement to Jodl's proposal 5 and 6a.

Analyst: Hartman

Doc No. 823-PS

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TRANSLATION OF DOCUMENT No. PS-823
1 OFFICE OF CHIEF OF COUNSEL
FOR WAR CRIMES

(page 1 of original)

WFST/Qu.(Verw)
Operational Staff of the
Armed Forces (Administration)
No. 03904/43 secret

Fuehrer's Headquarter
3 Septmeber 1934

Rubberstamp: Secret

Administration
7/9
Initials of Ihnen

Subject: Establishment of New P.W. Camps for English and American Airforce PW's.

Notes on Report for Chief of OKW

1) C. in C. Air Force Operational Staff (Ob.d.L. Fuehrungsstab) intends to establish more P.W. camps, as over 1000 PW's a month are now being brought in and available space has been used up. C. in C. Air Force proposes to establish these camps in residential districts in cities with the additional purpose of protecting the population of these cities. Beyond this, C. in C. Air Force also intends to transfer all the existing camps with their inmates, which at present number about 8000 English and American Air Force PW's, to cities imperiled by air raids.

(Handwritten marginal note to Para.1: No objections,
K-7/9 (Keitel's initials)

C. in C. Air Force presumes, in view of the example set by the City of Frankfort, that the cities will support the establishment of such camps with all the means at their disposal.

2) OKW/Chief of PW's (OKW/Chef Kriegsgef.) has agreed in principle to the plan. It would not constitute a breach of International Agreements - in particular the Geneva Convention of 1929 - if the camps are not established in the vicinity of armament plants or military installations.

Reactions on the home front, however, must be taken into consideration:
a) In choosing sites in cities (attitude of the civilian population).
b) In case of possible reprisals by the enemy, which, numerically, will not be of great importance at present.

3) OKW/WR considers accomodation in the form proposed to be unobjectionable.

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(page 1 of original, cont'd)

4) Ag.Ausl.advises against taking such measures, firstly, because they might appear to be reprisals and, secondly, because they might lead to demands from all the cities for the establishment of such camps by the Wehrmacht. On the other hand, Ag.Ausl. also believes that the removal of camps from the neighborhood of industrial plants to exclusively residential districts would create the impression that this was being done for the purpose of affording better protection to PW's in regard to war dangers.

(page 2 of original)

5) Attitude of WFA /Qu.:
No objection can be made from the point of view of International Law to the establishment of P.W. camps in residential districts, especially if this measure is restricted to the establishment of new camps and the transfer of camps hitherto in the vicinity of military installations or of armament plants. On the other hand, there will be great difficulties in guarding the P.W.'s and in segregating them from the civilian population, particularly in the event of air raids.

If the political scruples entertained by the Chief of the PW's may be disregarded, it is proposed that C. in C. Air Force's intention be agreed to but restricted to the establishment of new camps and the transfer of only those camps hitherto in the vicinity of industrial plants.

(Marginal note: "Yes" with Keitel's initials)

At the same time the C. in C. Air Force (Ob.d.L.) should be instructed not to announce the fact of the transfer officially through the press, radio or similar means of communication , but to see to it that, whenever such an event takes place, the destruction of a camp by air raids is announced in the Wehrmacht communique, stating the number of dead.

(Marginal note: "Yes" with Keitel's initials)

Should this proposal not be approved, we must consider to announce the fact of the transfer and justify it by the statement that the object of removing the PW's to exclusively residential districts with no industrial plants in the neighborhood was to afford them special protection.

Deputy
(signature) Freiherr Buttlar(?)
(initials): Ihnen
Polock

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 TRANSLATION OF DOCUMENT No PS-823
Cont'd

CERTIFICATE OF TRANSLATION

I, Ralph Newman, Civilian, # D - 153569, hereby certify that I am thoroughly conversant with both the English and German languages; and that the above is a true and correct translation of document No. PS-823

Ralph Newman
D - 153569

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Voir RF 359

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